UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

ABLE HOME HEALTH, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	09 C 50128
	)	
OXYGEN QUALIFYING SERVICES, INC.,	)	
and JOHN DOES 1-10,	)	Magistrate Judge Mahoney
	)	
Defendants.	)	

PLAINTIFF'S MEMORANDUM OF
FINAL ACCOUNTING OF CLASS ACTION SETTLEMENT

Plaintiff, in accordance with the Class Settlement Agreement in the above captioned matter, respectfully submits the following accounting of the Settlement Fund.

1. The parties' settlement in the above matter was finally approved by this Court on September 13, 2010.

2. According to the terms of the settlement, a Settlement Fund was created consisting of a total of $270,000.00. Defendant paid this amount to Class Counsel on September 16, 2010. See *Dkt. No. 65*.

3. On September 28 and 29, 2010, Class Counsel made the following distributions from the Settlement Fund:

(a) plaintiff Able Home Health, LLC was issued and mailed a check for $3,000.00;

(b) attorney's fees and costs of $81,000 were paid to Class Counsel;

(c) checks for $95,000 and $500 representing the Class Settlement Fund ($95,500), was sent to the Settlement Administrator, Strategic Claims Services; and

(d) the balance of the Settlement Fund, $90,500, was held in the ECL&G Client Trust Account.

See *Affidavits of Stephen Rettger [Dkt. No. 68] and Catherine Latturner [Dkt. No. 66]*.

4. On October 6, 2010, Strategic Claims Services issued checks in the amount of $500 each to the 191 Class Member Claimants. The Settlement Checks had a void date of December 5, 2010 and had Edelman, Combs, Latturner & Goodwin, LLC's ("ECLG") address listed on the envelopes as the return address. See *Affidavit of Matthew Shillady [Dkt. No. 67]*.

5. Of the 191 Class Members' checks sent, 4 were returned to ECLG. All checks that were returned to ECLG's offices were successfully forwarded. See *Affidavit of Stephen Rettger [Dkt. No. 68]*.

6. As of December 21, 2010, 189 of 191 Class Members had cashed their settlement checks for a total distribution to the Class of $94,500. See *Affidavit of Matthew Shillady [Dkt. No. 67]*.

7. Following the void date on these checks, a total of $91,500 of the Settlement Fund remained as a result of uncashed checks ($1,000 remaining in the Settlement Fund at Strategic Claims Services) and undistributed funds ($90,500 held in ECL&G Client Trust Account). See *Affidavits of Matthew Shillady [Dkt. No. 67] and Catherine Latturner [Dkt. No. 66]*.

8. On January 4, 2011, Class Counsel sent two checks to *cy pres* recipient Prairie State Legal Services, one in the amount of $500 and one in the amount of $44,963.50. See *Affidavit of Stephen Rettger [Dkt. No. 68]*.

9. On January 4, 2011, Class Counsel sent two checks to *cy pres* recipient

Land of Lincoln Legal Assistance Foundation, one in the amount of $500 and one in the amount of $44,963.50. See *Affidavit of Stephen Rettger [Dkt. No. 68]*.

10. On January 6, 2011, Class Counsel sent both Prairie State Legal Services and Land of Lincoln Legal Assistance Foundation *cy pres*, checks each in the amount of $286.50. See *Affidavit of Stephen Rettger [Dkt. No. 68]*.

11. Prairie State Legal Services and Land of Lincoln Legal Assistance Foundation were the two charities designated as equal *cy pres* recipients by the Settlement Agreement and approved by the Court. In sum, each *cy pres* recipient received, $45,750.

12. The Settlement Fund is now exhausted.

13. In conclusion, Plaintiff and Class Counsel have distributed the Settlement Fund in accordance with the parties' Settlement Agreement and the Court's Final Approval Order. Accordingly, it is now appropriate for the Court to enter an order dismissing this case with prejudice.

Respectfully submitted,

s/ Heather Kolbus

Daniel A. Edelman
Heather Kolbus
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
120 S. LaSalle Street, Suite 1800
Chicago, IL 60603
(312) 739-4200
(312) 419-0379 (FAX)

CERTIFICATE OF SERVICE

I, Heather A. Kolbus, certify that on January 7, 2011, I caused a true and accurate copy of the foregoing document to be served upon the parties listed below through the Court's CM/ECF system:

Lori Ann Vanderlaan
lvanderlaan@bestfirm.com

Allie MacInnis Burnet
aburnet@bestfirm.com

s/ Heather Kolbus
Heather A. Kolbus

Daniel A. Edelman
Heather Kolbus
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
120 S. LaSalle Street, Suite 1800
Chicago, IL 60603
(312) 739-4200
(312) 419-0379 (FAX)